

IOWA DEPT OF TRANSPORTATION  
OFFICE OF RIGHT OF WAY  
CONDEMNATION UNIT  
AMES, IA 50010

3631

FILED

BOOK 8 PAGE 105-110

(1) PHM

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CAROL HOL  
COUNTY RECORDER

APPLICATION TO THE CHIEF JUDGE  
OF THE 5TH JUDICIAL DISTRICT  
FOR THE APPOINTMENT OF A  
COMMISSION TO APPRAISE DAMAGES

In the Matter of the Condemnation of Certain Rights  
in Land by the Iowa Department of Transportation  
for the Improvement of

Primary Road No. 141 south  
of the City of Woodward  
located in Dallas County, Iowa

Project No. STP-141-6(37)--2C-25 Group "G"

TO: Richard D. Morr, Chief Judge, 5th Judicial District including Dallas County, Iowa.

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in Agricultural land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.3 the Code of Iowa, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application.

Plat: The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers, and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for road right of way and/or access control and/or for highway drainage and/or obtaining and removing gravel or other suitable material for the improvement and/or maintenance of roads and streets within the State of Iowa.

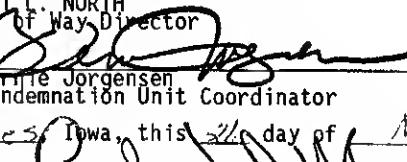
Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers, and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this 24 day of May, 1995.

IOWA DEPARTMENT OF TRANSPORTATION  
DAVID A. FERREE  
Special Assistant Attorney General  
and General Counsel to the Iowa DOT

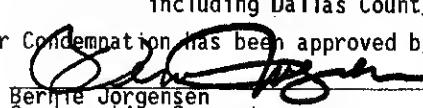
ROBERT L. NORTH  
Right of Way Director

By   
Berrie Jorgensen  
Condemnation Unit Coordinator

Filed in my office at Des Moines, Iowa, this 24 day of May, 1995.

  
Richard D. Morr  
Chief Judge of the 5th Judicial District  
including Dallas County, Iowa.

I certify that this Application for Condemnation has been approved by the Chief Judge.

  
Berrie Jorgensen  
Condemnation Supervisor

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In the Matter of the Condemnation of  
Certain Rights in Land by the Iowa  
Department of Transportation for the  
Improvement of

Primary Road No. 141 south  
of the City of Woodward  
located in Dallas County, Iowa  
Project No. STP-141-6(37)--2C-25  
Group "G"

NOTICE

TO:  
Leonard John Gosch, also known as John Gosch, 1004 45th Street, West Des Moines, Iowa  
Noreen N. Gosch, also known as Norene N. Gosch, 1258 Office Park Road, Apt. 2, West Des Moines, Iowa  
United States Bankruptcy Court for the Southern District of Iowa, Case No. 94-2772C, c/o Barbara G. Stuart,  
United States Trustee, 210 Walnut Street, Suite 517, Des Moines, Iowa  
United States Bankruptcy Court for the Southern District of Iowa, Case No. 94-2772C, c/o Thomas L. Flynn,  
Trustee, 2000 Financial Center, Des Moines, Iowa  
AgAmerica, FCB, formerly known as Farm Credit Bank of Omaha, c/o H. Dale Huffman, Senior Attorney, Farm  
Credit Services, 208 South 19th Street, Omaha, Nebraska  
Dallas County, Iowa, c/o County Auditor, Adel, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described  
real estate:

The NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 13, T81N, R27W of the 5th P.M., Dallas County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically  
described as follows and shown with reference to their location as to lands affected on the plats Exhibits "A" and  
"B" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Dallas  
County, Iowa, and in the Office of the Sheriff of Dallas County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 13, T81N, R27W of the 5th P.M., Dallas County, Iowa, as  
shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Dallas County Project No. STP-141-6(37)--2C-25  
Leonard John Gosch, et ux (Parcel 21A)  
Continued on next sheet.

Sheet 1

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Said parcel is described as follows:

Beginning at the NE Corner of said Sec. 13; thence S00°33½'W, 159.8 ft. along the east line of said Sec. 13; thence S89°58½'W, 1326.9 ft. to the west line of the NE¼ NE¼ of said Sec. 13; thence N00°26'E, 161.3 ft. along said west line to the north line of the NE¼ of said Sec. 13; thence S89°57½'E, 1327.3 ft. along said north line to the Point of Beginning; containing 4.89 acres, of which 1.64 acres are within existing road right of way.

The access rights in fee simple title sought to be appropriated are described as follows:

All rights of direct access between Primary Road No. 141 and condemnees' remaining property abutting thereon from Sta. 947+26.6± (Property Line) to Sta. 960+53.2± (Property Line), on the south side, reserving to the condemnees the right of direct access at Sta. 947+26.6± (Property Line), on the south side.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement, for the specific purpose of shaping backslope, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the NE Corner of said Sec. 13; thence S00°33½'W, 159.8 ft. along the east line of the NE¼ of said Sec. 13, to the southerly line of the land sought in fee simple title; thence S89°58½'W, 552.6 ft. along said southerly line to the Point of Beginning; thence S00°00½'W, 24.7 ft.; thence N89°59½'W, 300.0 ft.; thence N00°00½'E, 24.6 ft. to said southerly line; thence N89°58½'E, 300.0 ft. along said southerly line to the Point of Beginning.

3. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing entrances, in land described as follows and as shown on said plat Exhibit "B".

Commencing at the NE Corner of said Sec. 13; thence S00°33½'W, 644.0 ft. along the east line of the NE¼ of said Sec. 13; thence N89°37½'W, 33.0 ft. to a point on the presently established westerly right of way line of the County Road, the Point of Beginning; thence continuing N89°37½'W, 25.7 ft.; thence N01°50½'E, 65.6 ft.; thence S84°13½'E, 24.4 ft. to a point on said westerly right of way line; thence S00°33½'W, 63.3 ft. along said westerly line to the Point of Beginning.

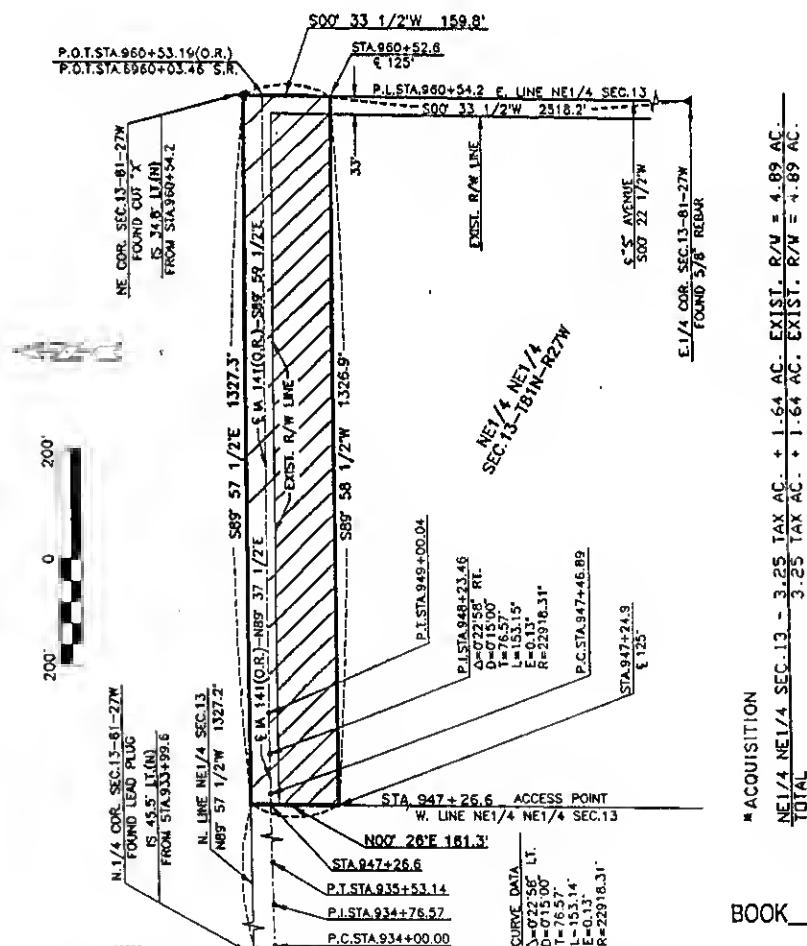
Also, commencing at the NE Corner of said Sec. 13; thence N89° 57½'W, 1327.3 ft. along the north line of the NE ¼ of said Sec. 13 to the west line of the NE ¼ NE ¼ of said Sec. 13; thence S00° 26'W, 161.3 ft. along said west line to the southerly line of the land sought in fee simple title, the Point of Beginning; thence N89° 58½'E, 50.0 ft. along said southerly line; thence S00° 18½'E, 19.7 ft.; thence S89° 38½'W, 50.2 ft. to said west line; thence N00° 26'E, 20.0 ft. along said west line to the Point of Beginning.

4. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. The areas sought to be appropriated by temporary easement, for the specific purpose of shaping backslope, constructing entrances, relocating, replacing, or restoring tile, if any, are reserved to the condemnees until the actual date said areas are required for construction of this highway improvement. Also, said temporary easement rights shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than the completion of this highway improvement.



 IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A"

COUNTY DALLAS STATE CONTROL NO. 10-00  
 PROJECT NO. STP-141-6(37)--2C-25 PARCEL NO. 21A  
 SECTION 13 TOWNSHIP 8IN RANGE 27W  
 ROW - FEE \*4.89 AC. EASE  AC. EXCESS-FEE AC  
 ACQUIRED ACCESS RIGHTS FROM STA. 947+26.6 TO STA. 960+53.2 MAIN LINE SOUTH SIDE  
 ACQUIRED ACCESS RIGHTS FROM STA.  TO STA.  SIDEROAD  SIDE  
 ACQUIRED FROM LEONARD JOHN GOSCH, FT UX



■ ACQUISITION  
NE1/4 NE1/4 S  
TOTAL

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A circular registration stamp for a professional engineer. The outer ring contains the text "IOWA REGISTERED" at the top and "PROFESSIONAL ENGINEER" at the bottom. The inner circle contains "DALE E. MILLER" in the center, with "9517" below it. The number "4" is positioned at the top right of the inner circle.

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND ACCURATE  
REPRESENTATION OF THE LAND HEREIN DESCRIBED,  
MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION,  
AND THAT I AM A duly REGISTERED LAND SURVEYOR  
UNDER THE LAWS OF THE STATE OF IOWA.

*Dale E. Miller* DATE 12/12/95  
DALE E. MILLER, P.E. & L.S. IA. REG. NO. 9517

IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "B"

COUNTY DALLAS STATE CONTROL NO. 10-00  
 PROJECT NO. STP-141-6(37)-2C-25 PARCEL NO. 21A  
 SECTION 13 TOWNSHIP 81N RANGE 27W  
 ROW-FEE AC, EASE AC, BORROW AC, EXCESS-FEE AC  
 ACQUIRED FROM LEONARD JOHN GOSCH, ET UX

(1) TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE  
 (2) TEMPORARY EASEMENT TO SHAPE BACKSLOPE

